

What are the rules on employee access to personnel files?

Q. Do I have to grant employees access to their personnel files?

A. There is no law in Ohio that requires an employer to grant an employee access to his or her personnel file. There are, however, two key exceptions: medical records and wage-and-hour records.

Ohio Revised Code 4113.23(A) covers employees' access to their medical records. It grants employees a right to see the medical records from a physical examination that is required for employment or stemming from a job-related injury or disease.

Ohio Revised Code 4111.14(G) covers employees' access to their own wage-and-hour records. Employers must provide the following information to an employee or person acting on an employee's behalf upon request:

1. Name
2. Home address
3. Occupation
4. Rate of pay
5. Total gross wages paid to an employee for each pay period
6. Hours worked each day (except for exempt employees)

An employer may require that the request be in writing, signed by the employee and notarized. Employers can insist that the request reasonably specify the particular information being sought. The employer cannot charge the employee for this information, and typically an employer has 30 days to produce the records following a request.

Employers should review handbooks and other policies to ensure they allow for disclosure of these two classes of information.